

No. 15109

May 21, 1935

WHEREAS, House Bill 897,

"An Act to amend Section 5, of Chapter 271, Acts of the Regular Session of the Forty-second Legislature, which is Article 8431-a, Revised Civil Statutes of Texas, of 1928, providing for the sale of public free school lands in Karnes County under preference right to include a provision providing for the purchase of lands surveyed under Article 8323, Revised Civil Statutes of Texas, of 1928, and which are not situated within ten (10) miles of a producing oil or gas well, in cases where the field notes have been filed in the General Land Office and approved, but the applicant has failed to file his application to purchase within the time prescribed by law; and authorizing a revaluation of such areas, and declaring an emergency."

as passed by the 44th Legislature in regular session and is now before me, as Governor, for approval or veto; and

WHEREAS, I am in receipt of a letter, dated May 10, 1935, from Hon. J. H.

Alker, General Land Commissioner, as follows:

"The effect of House Bill No. 897, amending Section 5 of Chapter 271 Acts of the 42nd Legislature, would be to restrict its operation, I believe, to Karnes County. If it did not so restrict it, the limitation of ten miles from a producing oil or gas well would bring it out of harmony with the provisions of Section 5 of the Act of 1931.

"In accordance with the construction of Section 5 by your Department, as Attorney General, the Land Office with the assistance of your office, made many awards to tracts in the East Texas oil field which probably could not have been recovered from the claimants by a law suit.

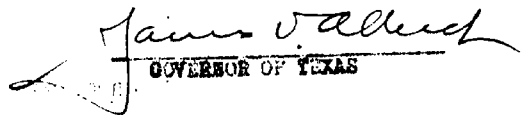
"I prepared an amendment to Section 5 of the Act of 1931 to make it include some cases where the applicants had failed to file their applications in time, and one of those cases is a tract of land in Karnes County. From time immemorial the Legislature has passed bills to enable such applicants to perfect their claims. It occurred to me that it would be better to make it general, and to enable the few such applicants anywhere in the State to come in with their payments, but the bill as prepared by me, if House Bill 897 is such bill, is twisted out of shape by the insertion of Karnes County. The effect of its approval would doubtless be to destroy the preference rights given occupants of land under the present law.

"I think the applicant of the tract in Karnes County should be permitted to perfect his claim, but not at the expense of others who may have purchased vacant land believing it to be a part of another survey."

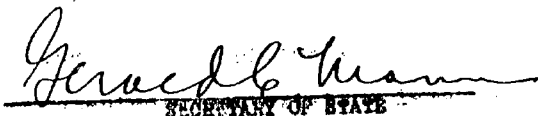
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WHEREAS, I have been requested to veto this bill by the author, Hon. V. M. Butler, of Karnes County, who originally introduced the bill and who states that the original purposes of the bill will not be achieved because of amendments adopted in the closing hours of the session,

NOW, therefore, I, James V. Allred, Governor of Texas, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby proclaim said bill vetoed for the reasons above set out and now on file in the office of the Secretary of State.


GOVERNOR OF TEXAS

BY THE GOVERNOR:


SECRETARY OF STATE